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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91192781
Party	Plaintiff Bayer HealthCare LLC
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Date	04/29/2011
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No. 77/701134
Published in the *Official Gazette* on July 28, 2009
Trademark: **LIXALEV**

Bayer HealthCare LLC, Opposer, v. Biogen Idec MA Inc. and Cardiokine Biopharma, LLC, Applicants.	OPPOSITION NO. 91192781
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**REQUEST FOR SCHEDULING ORDER ON OPPOSER'S PERIOD TO
TAKE DISCOVERY RELATING TO APPLICANTS' DESIGNATED EXPERT
WITNESS**

Bayer HealthCare LLC ("Opposer") submits this request to the Board for an order setting its period to take discovery regarding Applicants' designated expert witness.

On March 24, 2011, Bayer notified the Board that it had made the required expert disclosure to Applicants. The Board then promptly issued a scheduling order on March 25, 2011 suspending the proceedings and granting Applicants sixty days to take discovery limited to Bayer's designated expert witness.

On March 25, 2011, but subsequent to the issuance of the Board's order, Applicants notified the Board that they had also made the required expert disclosure to Opposer. To date, the Board has not acknowledged Applicants' notice of expert disclosure or issued an order setting Opposer's period to take discovery on Applicants' designated expert witness.

Counsel for Opposer left a voice message for the Interlocutory Attorney on or about April 8, 2011 requesting a scheduling order but has not received a response. Bayer

therefore makes this request in writing for an order setting its period to take discovery on Applicants' expert witness.

Respectfully submitted,

ORRICK, HERRINGTON & SUTCLIFFE LLP

Dated: 4/29, 2011

By: 

Beth M. Goldman

Attorneys for Bayer HealthCare LLC
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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing **REQUEST FOR SCHEDULING ORDER ON OPPOSER'S PERIOD TO TAKE DISCOVERY RELATING TO APPLICANTS' DESIGNATED EXPERT WITNESS** was served by First Class Mail on April 29, 2011, on Applicants' counsel at the following address:

Douglas R. Wolf
Christina M. Licursi
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, MA 02210

Dated: April 29, 2011

By: Chelsea Bush
Chelseaa Bush

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